

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14, 16, and 17 are presently pending in this case. Claims 1, 13, 14, and 17 are amended by the present amendment. As amended Claims 1, 13, 14, and 17 are supported by the original disclosure,<sup>1</sup> no new matter is added.

In the outstanding Official Action, Claims 1-3, 13, 14, 16, and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Saito et al. (U.S. Patent Application Publication No. 20010018685, hereinafter “Saito”) in view of Hane et al. (Japanese Patent Application Publication No. 2002-320159, hereinafter “Hane”) and further in view of Yoon (U.S. Patent Application Publication No. 20030061239); and Claims 4-12 were rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Hane and Yoon and further in view of Platt (U.S. Patent No. 6,987,221).

With regard to the rejection of Claim 1 as unpatentable over Saito in view of Hane and further in view of Yoon, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

generating means for generating user preference information indicating preferences of a user based on the use frequency calculated by said calculating means, said generating means generating user preference information based on a normalized use frequency **for each group**, said normalized use frequency normalized based on use frequencies of all contents **in each respective group** delivered during a time period corresponding to a use history.

The outstanding Office Action conceded that Saito and Hane do not teach generating user preference information based on a normalized use frequency, and cited Yoon as describing this feature.<sup>2</sup> However, it is respectfully submitted Yoon only describes

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<sup>1</sup>See, e.g., the specification at page 19, lines 1-24 and Figures 11A and 11B.

<sup>2</sup>See the outstanding Office Action at page 4, line 20 to page 5, line 6.

determining a usage count  $NR_j$  for a *single* item  $P_j$ ,<sup>3</sup> *not* for all items in a group. Thus, unit does not teach or suggest does not teach or suggest a normalized use frequency *for each group* as recited in amended Claim 1. Further, the description in paragraph 54 of Yoon that a newly adjusted usage count  $NNR_j$  can also be used according to the overall usage count and accumulated period, in inverse proportion to the overall usage count and accumulated period, does not teach or suggest a normalized use frequency *for each group* based on use frequencies of all contents *in each respective group* delivered during a time period corresponding to a use history.

Accordingly, it is respectfully submitted that the proposed combination of Saito, Hane, and Yoon does not teach or suggest “generating means” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-12 and 16 dependent therefrom) is patentable over Saito in view of Hane and further in view of Yoon.

Amended Claims 13 and 14 recite in part:

generating user preference information indicating preferences of a user based on the use frequency calculated in said calculating, said generating including generating user preference information based on a normalized use frequency *for each group*, said normalized use frequency normalized based on use frequencies of all contents *in each respective group* delivered during a time period corresponding to a use history.

As noted above, Yoon only describes generating a usage count for a *single* item, not for a *group*. Further, it is respectfully submitted that Yoon does not teach or suggest a normalized use frequency *for each group* based on use frequencies of all contents *in each respective group* delivered during a time period corresponding to a use history. Consequently, Claims 13 and 14 are also patentable over Saito in view of Hane and further in view of Yoon.

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<sup>3</sup>See Yoon, paragraph 46 and formula 1.

Amended Claim 17 recites in part:

a preference generating unit configured to generate user preference information indicating preferences of a user based on the use frequency calculated by said calculating unit, said preference generating unit configured to generate user preference information based on a normalized use frequency ***for each group***, said normalized use frequency normalized based on use frequencies of all contents ***in each respective group*** delivered during a time period corresponding to a use history.

As noted above, Yoon only describes a device that generates a usage count for a ***single*** item, not for a ***group***. Further, it is respectfully submitted that Yoon does not teach or suggest a device that generates a normalized use frequency ***for each group*** based on use frequencies of all contents ***in each respective group*** delivered during a time period corresponding to a use history. Thus, the proposed combination of Saito in view of Hane and further in view of Yoon does not teach or suggest “a preference generating unit” as defined in amended Claim 17. Consequently, amended Claim 17 is also patentable over Saito in view of Hane and further in view of Yoon.

With regard to the rejection of Claims 4-12 as unpatentable over Saito in view of Hane and Yoon and further in view of Platt, it is noted that Claims 4-12 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Platt does not cure any of the above-noted deficiencies of Saito, Hane, and Yoon. Accordingly, it is respectfully submitted that Claims 4-12 are patentable over Saito in view of Hane and Yoon and further in view of Platt.

Application No. 10/538,658  
Reply to Office Action of November 30, 2007

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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